

COMMISSION ON COMMON OWNERSHIP COMMUNITIES  
Minutes of the Monthly Meeting  
1401 Rockville Pike, 5<sup>th</sup> Floor, Rockville, MD 20850  
**Tuesday, December 10, 2019**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:06pm by Chairman Mark Fine.

**Commissioners present:** [11] ETHIER, FINE, GARDNER, GIZA, MALAMUD, MYO KHIN, PERPER, SMITH, STEINBACH, VINEY, YOUNG

**Commissioners absent:** [2] Gelfound, Burrows

**Staff present:** Aseem K. Nigam, Director DHCA; Walter Wilson, Associate County Attorney; Ife Fabayo, Staff.

**Guests:** Rand Fishbein, Wanda & Raj Boveja, Catharine A. Nixon, Carlos de la Cova, Harvey Mazer, Brenda Gray, Kevin Humphreys, Marcia & Todd McPhee

1. **DHCA Director's Address to the Commission:** Mr. Nigam introduced himself and spoke about the department's mission to make affordable housing available throughout the County. Common ownership communities are a growing sector for affordable home ownership and the Commission's efforts are essential for regulating the governance of this type of community and educating owners. The department is also taking steps, through the Distressed Communities Task Force, to address the long-standing problems associated with coc's financial health.
2. **Approval of Minutes:** Commissioner Ethier moved to approve the minutes of the November 6, 2019 monthly meeting as amended, with Commissioner Gardner seconding. The motion was approved by unanimous consent.
3. **Community Forum:** Members of North Farm HOA, a newly registered Rockville association, were in attendance to observe.
4. **Submission of disputes for Commission consideration:**

**Jurisdiction - Default cases:**  
 #2020-016, Woodrock HOA v. Pang – Commissioner Gardner moved to accept jurisdiction; Commissioner Myo Khin seconded. After discussion, the motion was approved by unanimous consent, referring the complaint to a default hearing panel.

**Jurisdiction - Contested cases:**  
 #2020-014, Pierce et ux v. Sunnymeade HOA – Commissioner Viney moved to accept jurisdiction; Commissioner Myo Khin seconded. After discussion, the motion was approved by a majority vote (Commissioner Gardner abstained), referring the complaint to a hearing panel.  
 #2020-028, Boveja v. West Spring Condominium – Commissioner Gardner moved to accept jurisdiction; Commissioner Ethier seconded. After discussion, the motion was approved by a majority vote (Commissioner Fine recused), referring the complaint to a hearing panel.

5. **Decisions & Orders Issued:** Staff gave a summary of the following cases and their decisions -  
 #2019-046, Selassie et ux v. Hilltop Condominium Association  
 #2019-021, Edelstein et ux v. Kenwood Condominium  
 #2019-057, Torres v. Top of the Park Condominium Association  
 #2016-017, Cobb v. Fairland Acres HOA – A hearing panel will be seated to review and vote on OZAH’s recommendations.
6. **Decisions & Orders on Appeal:**  
 #2018-040, Dillin et al, v. The Willoughby of Chevy Chase and  
 #2018-061, Nadri v. The Willoughby of Chevy Chase (consolidated)  
 #2019-019, Weinrich v. Tanterra HOA
7. **County Attorney’s report:** Decision & Order(s) under review by Mr. Wilson –  
 Johnson v. Rock Creek Condominium II, and Kenney v. Cherington Condominium.
8. **DHCA report:** Commissioner Fine presented the statistical report for November 2019 and addressed commissioner’s questions.
9. **Chairman’s Report:**
  - Nominations for the election of Chairman and Vice-Chairman will close at the end of this week [Dec 13]. The election will be held at the January 8th meeting.
  - Online training will go ‘live’ by end of December, in English only for the time being. Commission has been asked to provide Board Training classes at County service centers.
  - The on-line Decision & Order search engine and the amended Guide to Decisions & Orders are almost ready; Case Mgmt. System upgrades are due at end of February.
  - Commissioners Fine & Giza attended an Abaris Realty ‘training day’ for their coc clients at Pook’s Hill Marriott. They presented a Board Training class for approximately 200 board members, participated with an ‘expert’ panel of speakers, and took residents’ questions.
  - At the August 7, 2019 meeting, the Chair informed the Commission that he was in discussions with the County Council regarding the creation of a new position, namely “Commissioner Emeritus”. Commissioner Viney recently questioned the title (“Emeritus” being an honorific, while “Ex Officio” more closely defines the position of a non-voting member) and requested an explanation for former members being given the title and acting on Commission business without authority. Commissioner Fine consulted with the County Executive, who has requested that the authority to create the position and the role of the designee be created with an amendment to Chapter 10B-3(a). The proposed language for this amendment has been forwarded to the Chair of the Legislative Committee.
10. **Committee reports:**
  - a. Education Committee [Members: Commissioners Fine, Gelfound, Giza, MyoKhin, Perper, & Steinbach (Chair)] --- No report
  - b. Legislative Committee [Members: Commissioners Fine, Gardner (Chair), Viney, & Young] --- Commissioner Gardner went through the latest proposed changes. After a committee meeting later this month, the amendments will be distributed to Commissioners for final comment.

- c. IT/Process & Procedures Committee [Members: Commissioners Burrows & Ethier (Co-Chair), Fine, & Malamud] --- Commissioner Ethier plans to convene the committee later this month to discuss the issues at hand and will bring their recommendations to the Commission in January.
  - d. Interview Committee [Members: Commissioners Phil Giza (Chair) & Staci Gelfound] --- The CCOC needs at least two more Commissioners to maintain its full membership in 2020. Commissioner Giza reported that the County is having difficulties with their “On-line BCC (Boards, Commissions, & Committees) Application” system. IT is working to correct the problem.
11. **Old business:** None
12. **New business:** Commissioner Viney noted that she found some out of date information on the website and asked if she was still responsible for updating the site. Chairman Fine said she was not.
13. **Meeting adjourned** at 8:39pm

**Next meeting: Wednesday, JANUARY 8, 2020 at 7:00pm**

Submitted by Kathy Viney,  
Recording Secretary